

SENATE BILL 698  
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M2

2003 Regular Session  
3r2373  
CF 3r2634

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By: **Senator Stoltzfus**

Introduced and read first time: February 18, 2003

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Oysters - Power Dredging**

3 FOR the purpose of requiring the Department of Natural Resources to establish zones  
4 by regulation in which a person may catch oysters with a power dredge during a  
5 certain time period; authorizing the Department by regulation to open or close  
6 any zone for the catching of oysters by power dredging or the conservation of  
7 oysters; prohibiting a certain zone from being established in certain areas;  
8 authorizing the Department to set certain minimum and maximum size limits  
9 and set a season, day, and time when oysters may be harvested by power  
10 dredging; requiring the Department to follow certain criteria when determining  
11 whether to open or close an oyster power dredge zone; requiring the Department  
12 to publish certain notice before taking certain actions; requiring that certain  
13 established zones include certain areas; authorizing the Department to require  
14 a person who catches oysters with a power dredge to complete and file certain  
15 reports; providing for the termination of this Act; and generally relating to  
16 oysters and power dredging.

17 BY adding to  
18 Article - Natural Resources  
19 Section 4-1014.4  
20 Annotated Code of Maryland  
21 (2000 Replacement Volume and 2002 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Natural Resources**

25 4-1014.4.

26 (A) THE DEPARTMENT MAY NOT ESTABLISH ZONES FOR THE POWER  
27 DREDGING OF OYSTERS UNDER THIS SECTION IN:

28 (1) AN OYSTER SANCTUARY THAT WAS ESTABLISHED BY REGULATIONS  
29 ADOPTED BY THE DEPARTMENT; OR

1 (2) A SUBMERGED AQUATIC VEGETATION PROTECTION ZONE  
2 DELINEATED IN ACCORDANCE WITH § 4-1006.1 OF THIS SUBTITLE.

3 (B) THE DEPARTMENT SHALL ESTABLISH ZONES BY REGULATION IN WHICH A  
4 PERSON MAY CATCH OYSTERS WITH A POWER DREDGE DURING THE POWER  
5 DREDGING SEASON FROM NOVEMBER 1 TO MARCH 30.

6 (C) NOTWITHSTANDING ANY OTHER LAW AND SUBJECT TO SUBSECTION (A)  
7 OF THIS SECTION, THE DEPARTMENT MAY, BY REGULATION:

8 (1) OPEN OR CLOSE ANY ZONE FOR THE CATCHING OF OYSTERS BY  
9 POWER DREDGING;

10 (2) OPEN OR CLOSE ANY ZONE FOR THE CONSERVATION OF OYSTERS;

11 (3) SET THE OYSTER DREDGE BAR MINIMUM AND MAXIMUM SIZE  
12 LIMITS; OR

13 (4) SET THE SEASON, DAYS, AND TIMES WHEN OYSTERS MAY BE  
14 HARVESTED BY POWER DREDGING.

15 (D) THE DEPARTMENT SHALL USE THE FOLLOWING CRITERIA IN  
16 DETERMINING WHETHER TO OPEN OR CLOSE AN OYSTER POWER DREDGE ZONE:

17 (1) GROWTH RATES OF OYSTERS;

18 (2) DISEASE PREVALENCE AND INTENSITY;

19 (3) TARGET OR THRESHOLD FISHING OR NATURAL MORTALITY RATES;

20 (4) BIOMASS THRESHOLDS OR TARGETS;

21 (5) AQUATIC HABITAT OBJECTIVES CONTAINED IN A FISHERY  
22 MANAGEMENT PLAN DEVELOPED UNDER § 4-215 OF THIS TITLE;

23 (6) RECOMMENDATIONS BY THE TIDAL FISH ADVISORY COMMISSION  
24 AND COUNTY OYSTER COMMITTEES; AND

25 (7) PUBLIC COMMENT.

26 (E) WHEN OPENING OR CLOSING A ZONE UNDER SUBSECTION (C) OF THIS  
27 SECTION, THE DEPARTMENT SHALL, AT LEAST 48 HOURS IN ADVANCE OF THE TIME  
28 OF THE ACTION, PUBLISH THE ACTION AND RELEVANT DATES AND TIMES IN:

29 (1) A DAILY NEWSPAPER OF GENERAL CIRCULATION; AND

30 (2) A NEWSPAPER CIRCULATED IN THE COUNTY WHERE THE WATERS  
31 ARE DIRECTLY AFFECTED BY THE PROPOSED ACTION.

32 (F) ZONES ESTABLISHED UNDER THIS SECTION SHALL INCLUDE THE  
33 FOLLOWING AREAS:

1 (1) IN THE HONGA RIVER AREA CONSISTING OF THE WATERS OF THE  
2 STATE THAT LIE WITHIN THE HONGA RIVER OF DORCHESTER COUNTY NORTH OF A  
3 LINE RUNNING FROM CREEK POINT TO JENNY ISLAND;

4 (2) IN THE FISHING BAY AREA CONSISTING OF THE WATERS OF THE  
5 STATE THAT LIE WITHIN DORCHESTER COUNTY AND WICOMICO COUNTY NORTH OF  
6 THE DORCHESTER-SOMERSET COUNTY LINE AND THE WICOMICO-SOMERSET  
7 COUNTY LINE, SOUTHEAST OF A LINE FROM TIGS POINT RUNNING ALONG THE  
8 EXISTING DREDGE LINE TO A POINT AT OR NEAR BISHOPS HEAD POINT, SOUTH OF A  
9 LINE RUNNING NORTHWESTERLY FROM FISHING POINT TO THOROFARE POINT,  
10 EXCLUDING TEDIOUS CREEK, GOOSE CREEK, AND THE NANTICOKE RIVER NORTH OF  
11 SANDY POINT ON CLAY ISLAND;

12 (3) IN THE ST. MARY'S RIVER CONSISTING OF THE WATERS OF THE  
13 STATE THAT LIE WITHIN THE ST. MARY'S RIVER IN ST. MARY'S COUNTY NORTH OF  
14 THE POTOMAC RIVER FISHERIES COMMISSION JURISDICTIONAL LINE, EXCLUDING  
15 ST. GEORGE CREEK WEST OF BALL POINT, CARTHAGENA CREEK, AND ST. INIGOES  
16 CREEK;

17 (4) IN THE POCOMOKE SOUND AREA CONSISTING OF THE WATERS OF  
18 THE STATE THAT LIE WITHIN SOMERSET COUNTY NORTH OF THE  
19 MARYLAND-VIRGINIA LINE AND EAST OF A LINE RUNNING FROM WARE POINT  
20 SOUTHEASTERLY TO MARYLAND-VIRGINIA LINE CORNER "A" IN POCOMOKE SOUND;  
21 AND

22 (5) IN THE TALBOT COUNTY AREA CONSISTING OF THE WATERS OF THE  
23 STATE THAT LIE WITHIN THE CHOPTANK RIVER AND ITS TRIBUTARIES NORTH OF A  
24 LINE RUNNING WESTERLY FROM CHLORA POINT ALONG THE EXISTING COUNTY  
25 DREDGE LINE TO A POINT AT OR NEAR THE SHORE OF UPPER BAR NECK POINT,  
26 EXCLUDING THE KNAPPS NARROWS, TRED AVON RIVER, IRISH CREEK, AND NORTH OF  
27 BALD EAGLE POINT AND NORTH OF DEEP NECK POINT.

28 (G) THE DEPARTMENT MAY REQUIRE A PERSON WHO CATCHES OYSTERS  
29 WITH A POWER DREDGE TO COMPLETE AND FILE REPORTS ON FORMS PROVIDED BY  
30 THE DEPARTMENT.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 July 1, 2003. It shall remain effective for a period of 5 years and, at the end of June  
33 30, 2008, with no further action required by the General Assembly, this Act shall be  
34 abrogated and of no further force and effect.